

**WORKSHEET  
DOCUMENTATION OF LAND USE PLAN CONFORMANCE  
AND DETERMINATION OF NEPA ADEQUACY (DNA)**

U.S. Department of the Interior  
Utah Bureau of Land Management (BLM)

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**A. BLM Office:** Cedar City Field Office (UT-040), DNA #UT-922-06-002

**Lease/Serial/Case File No:** Proposed lease parcels UT0805-067 through 082, UT0805-085 through UT0805-163.

**Proposed Action Title/Type:** May, 2006 Competitive Oil and Gas Lease Sale

**Location of Proposed Action:** The 95 nominated parcels are located within Iron and Beaver Counties, Utah. *Appendix A-1* is a map of the parcels. *Appendix B-1* contains legal descriptions for each parcel.

**Description of the Proposed Action:** The parcels, which are located on land administered by the Cedar City Field Office were originally nominated for sale as part of the Utah Statewide August, 2005 oil and gas lease sale. *Appendix B-1* lists the parcels. The August 2005 documents could not be timely prepared to assess the suitability of the lands for leasing for that sale and all of the parcels had to be deferred from the August, 2005 sale. This document addresses the suitability of leasing all 95 of the parcels nominated for the August, 2005 sale of which 59 are being recommended for offering under the Utah Statewide May, 2006 competitive lease sale (parcels UT0805-067 through 082, 087 through 118, and 123 through 133). The 59 parcels recommended to be offered in the May, 2006 sale have been assigned new parcels numbers to conform to the May 2006 sales numbering system (see *Appendix A-2* for a map of the parcels and *Appendix B-2* for the legal descriptions and stipulations of the parcels to be offered in the May, 2006 sale). Because the resource reviews and outside consultations in support of this document were initiated prior to obtaining the May, 2006 parcel numbers, the narrative of this document refers to the August, 2005 parcel numbers exclusively to conform to the supporting technical and consultation documents. A table has been attached as *Appendix B-3*, which correlates the August, 2005 parcels numbers with the May, 2006 parcel numbers. Referring to *Appendix B-3*, and way of explanation, parcel UT0805-080 was found to be in excess of the statutory limitation on individual lease acreage and so was divided into two parcels, UT0506-059 and 060 (together encompassing the same lands UT0805-080), for the May, 2006 sale list. Parcel UT0506-106 (a new nomination) on the May, 2006 sale list was nominated in error as the lands encompassing this parcel had already been leased through a prior lease offering. It is being recommended for removal from the final May, 2006 sale list.

All or portions of parcels UT0805-086, 087, 089, 119, 135, 137, 139, 140-152, 156-160, and 163 are located on split estate land where the surface is in private ownership or State ownership. The minerals on these parcels are owned by the federal government and administered by the BLM.

If a parcel of land is not purchased at the lease sale by competitive bidding, it may still be leased for two years after the initial offering after a current review of NEPA adequacy. A lease may be held for ten years, after which the lease expires unless oil or gas is produced in paying quantities. A producing lease can be held indefinitely by economic production.

Planning decisions place certain lands in a no leasing category. Most lands are leased with minor stipulations attached to the lease from the appropriate land use plan for the area. Some lands are leased with limited areas of no surface occupancy within the lease boundaries. Some lands are leased with no stipulations other than those found on the standard lease contract form. A lease grants the right to drill for oil and gas, at some location on the lease.

A lessee must submit an application for permit to drill (APD) to the BLM for approval and must possess an approved APD prior to any surface disturbance in preparation for drilling. Any stipulations attached to the standard lease form must be complied with before an APD may be approved. Following BLM approval of an APD, a lessee may produce oil and gas from the well in a manner approved by BLM in the APD or in

subsequent sundry notices. Forty-eight hours before starting surface disturbing activity approved in the APD the operator must also notify the appropriate field office manager.

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate**

**Implementation Plans:** The parcels are subject to the Cedar Beaver Garfield Antimony Resource Management Plan (CBGA RMP) approved October 1, 1986.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the planning decisions.

Oil and gas leasing categories were identified in the Cedar City District Oil and Gas Leasing EAR prepared in 1976 and were reviewed by the CBGA RMP/EIS (1986) and the Supplemental EA for Oil and Gas Leasing, Cedar City District, 1988. The original oil and gas categories established in 1976 were amended in the CBGA RMP to protect other resource values.

The Record of Decision for the CBGA RMP Environmental Impact Statement on page 25-56 and Mineral Map 1, categorizes all lands in the Planning Area which are available for leasing along with any applicable stipulations.

**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed**

**action:** NEPA documents which cover these parcels include the Cedar City District Oil and Gas Leasing EAR, approved May 5, 1976, the CBGA PRMP/FEIS (1984), the CBGA RMP/EIS (1986) and the Supplemental EA for Oil and Gas Leasing, Cedar City District, approved December 20, 1988.

**D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

**Yes**, for all of the parcels.

Documentation of answer and explanation: Leasing of the lands described in *Appendix B* was analyzed in the Cedar City District Oil and Gas EAR prepared in 1976, the FEIS or the CBGA RMP approved by the ROD dated October 1, 1986 and the Supplemental EA for Oil and Gas Leasing, Cedar City District EA #UT-040-88-69 prepared in 1988. The 1976 EAR analyzed the environmental consequences of oil and gas leasing in the Cedar City District and established four leasing categories that required appropriate lease stipulations for protection of the environment. The Record of Decision for the CBGA RMP -FEIS amended these categories and lease stipulations in 1986. The 1988 Supplemental EA, prepared to analyze cumulative impacts of oil and gas leasing based on a reasonably foreseeable development scenario, estimated that exploration wells would continue to be drilled in the Cedar City District at the rate of about three wells per year and that the success rate for finding commercial quantities would be low, no more than 10 percent based on the average success rate for wildcat wells in the United States. The Supplemental EA projected a total of 310 acres of surface disturbance from oil and gas activities occurring over 10 years and concluded that, overall, the cumulative impacts from oil and gas exploration would not be significant. Since 1988, three oil and gas exploration wells have been drilled on public lands in the Cedar City District disturbing about 12 acres. The current rate of drilling, extent of disturbance and magnitude of impacts are within the projection made in the Supplemental EA.

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

**Yes**, for all of the parcels.

Documentation of answer and explanation: The range of alternatives considered in the existing NEPA documents is essentially the categorization of the lands into categories. Since this categorization encompasses everything from no leasing to leasing with standard stipulations, it remains adequate to address changing concerns, interests, and resource values.

The 1976 EAR analyzed the environmental consequences of oil and gas leasing in the Cedar City District (encompassing both the Pinyon MFP and the CBGA RMP) and established four leasing categories that required appropriate lease stipulations for protection of the environment. In 1986, the Record of Decision ROD for the CBGA RMP/EIS amended the categories and lease stipulations established through the 1976 EAR. The CBGA RMP-EIS analyzed four alternatives identifying a range of resource uses and management practices which responded to the planning issues and concerns. The alternatives identified reflect resource tradeoffs favoring commodity on one extreme to environmental protection on another. The Record of Decision for the RMP/EIS on pages 25-56 and Minerals Map I identify those specific lands covered by the RMP/EIS which are available for leasing. Appendices Minerals 3 and 4 in the Draft CBGA EIS contain a detailed description of the oil and gas leasing categories and stipulations and the resources they are designed to protect.

**3. Is existing analysis adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent U.S. Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

**Yes**, for all of parcels UT0805-067 through 076, 079, 081, 082, 088, 090 through 096, 098 through 118, 123, 127, 129, 131, and 133 and portions of parcels of UT0805-077, 078, 080, 087, 089, 097, 128, 130 and 132.

**No**, for all of parcels UT0805-085, 086, 119 through 122, and 134 through 163 and portions of parcels UT0805-077, 078, 080, 087, 089, 097, 128, 130 and 132.

Documentation of answer and explanation:

**YES:** As documented in the attached Interdisciplinary Team Analysis Checklist, for the parcels listed under “Yes”, above, no changes in conditions have occurred which would necessitate further analysis or a change in category or stipulations.

### ***Cultural Resources***

A cultural resource records search was done by the Cedar City Field Office archaeologist that covered the Area of Potential Effect (APE). The APE is defined as the total acres encompassed by lease parcels 067-082, 087-118, and 123-133. The remaining parcels were excluded from the evaluation as they were determined to have inadequate or outdated NEPA analysis. Previous cultural resource surveys and recorded cultural properties were identified from the records search. The results of the records search indicate a low to moderate density of cultural properties. Based on the ability to avoid or otherwise mitigate potential impacts to cultural properties, a determination of “No Historic Properties Affected” was made to the Utah State Historic Preservation Office (USHPO). The determination was based on a conclusion that at least one well could be located on each parcel without adversely affecting cultural resources. The archeologist’s report can be found in Appendix C.

### ***Threatened, Endangered or Sensitive Animal Species***

Cedar City Field Office staff biologists have reviewed the lands encompassed by lease parcels 067-082, 087-118, and 123-133. The remaining parcels were excluded from the evaluation as they were determined to have inadequate or outdated NEPA analysis. Two Federally-listed species, the Utah Prairie dog and bald eagles occur throughout the Cedar City Field Office area and habitat for these species overlaps portions of one or more of the lease parcels evaluated. No other listed threatened, endangered, candidate, proposed or petitioned species or their habitats were identified as occurring on the parcels being considered for the May 2006 lease sale.

The Utah prairie dog (*Cynomys parvidens*) occurs in twenty-two mapped complexes throughout the Cedar City Field Office area. They prefer grasslands, and also occur in grass/shrub mixed habitat. Utah prairie dogs occupy habitat on several of the oil and gas lease parcels proposed for sale. Additional parcels may contain suitable habitat and are within dispersal distance from existing complexes. Some of the proposed parcels overlap Utah prairie dog habitat. Potential impacts to Utah prairie dog habitat was analyzed by taking the current BLM GIS layer of mapped habitat and applying a one-half mile buffer. The one-half mile was chosen because that is the distance recommended for no surface occupancy in the FWS approved lease notice for Utah prairie dogs around active, potentially suitable, and unoccupied prairie dog habitat that has been identified and mapped. This buffer allows us to take into account the yearly flux (expansions and shrinking) of Utah prairie dog populations and occupied habitat. This analysis was done by 40 acre sub parcel size for all lands proposed for leasing in the current sale. Any 40 acre sub parcel that had  $\geq 35$  acres covered by the Utah prairie dog layer was recommended for deferral. Any 40 acre sub parcel that had  $< 35$  acres covered by the Utah prairie dog layer was recommended for leasing. This allows at least 5 acres within each 40 acre sub parcel to be available for facility siting. Based on this analysis, 94 sub parcels would be deferred due to the presence of Utah prairie dogs and NEPA inadequacies. Based on this analysis, it is the determination of the BLM Cedar City Field Office that the leasing of parcel 012, potentially containing habitat for the Utah prairie dog, "may affect, but is not likely to adversely affect" that species.

Bald eagles (*Haliaeetus leucocephalus*) occur throughout the Field Office area between November 1 and March 15. The majority of bald eagles that winter in the CCFO are found in Cedar and Parowan valleys, with wintering populations of 100-200 birds. BLM lands are used by bald eagles searching for food, which consists primarily of carrion and rabbits in winter. Several major night roosts are located on private property in Cedar and Parowan valleys, but the only known night roost sites on BLM land are located in Summit Canyon east of Summit, Iron County, and South Creek southwest of Beaver. The bald eagle lease notice would be attached to the lease parcel, parcel 088, containing the South Creek roost site.

Based on the information and analysis presented above, it is the determination of the BLM Cedar City Field Office that the sale of the oil and gas lease parcels containing habitat for the Utah prairie dog and bald eagle "may affect, but is not likely to adversely affect" those species. The U.S. Fish and Wildlife Service concurs with that determination (see attached consultation memo, dated Feb. 6, 2006 in Appendix D).

No designated Critical Habitat for listed species or their habitat is found on these lease sale parcels, therefore the leasing action "*will not result in the destruction or adverse modification*" of designated Critical Habitat.

Proposed sale parcels 067-082, 087-118, and 123-133 were also reviewed to determine the occurrence of BLM or State of Utah listed sensitive species or their habitats. To comply with BLM Policy 6840 for Utah BLM State Sensitive Species, Lease Notices have been attached to parcels for sensitive species, as listed in Attachment 2.

In the event that a lease containing any potential or designated critical habitat for a listed species receives an application for permit to drill, a detailed environmental analysis will be conducted and USFWS will be notified and conference or Section 7 Consultation will be initiated. Any needed surveys will be required prior to exploration.

The lease sale form contains notifications regarding any development being in compliance with existing laws, including the Endangered Species Act. A detailed environmental analysis will be conducted at the APD stage. Compliance with the Endangered Species Act will be required and Section 7 consultation will be a part of this analysis.

Based on the review of these parcels and the deferral or stipulations and lease notices that have been placed on the August 2005, now proposed for May 2006, Oil and Gas Lease Parcels, the Cedar City BLM Field Office feels that listed species and/or their habitat that may be found on these lease tracts will be protected from the impacts of potential oil and gas exploration by the deferral or listed stipulations and lease notices. Any proposed future activity within any of these parcels that contain potential or critical habitat or presences of a listed species will require notification to USFWS.

**NO:** The Cedar City District Oil and Gas Leasing EAR, approved May 5, 1976 the CBGA FEIS (1986) and the Supplemental EA for Oil and Gas Leasing, Cedar City District, approved December 20, 1988 did not

contemplate the commercial and residential development of lands adjacent to the I-15 corridor and other split-estate parcels.

All of parcels 085 and 086, and portions of parcels 089 and 097 have been identified by Beaver County for acquisition for residential and commercial development. A portion of parcel 087 is currently being used as an airport runway.

All of parcels 119 through 122 and parcels 135 through 163 encompass lands that have widespread interspersed commercial and residential developments on split estate portions of the parcels as well as the intervening or adjacent privately held land. All of these parcels are classified under the existing NEPA analysis as Category 1, open to leasing with only standard lease stipulations. Examination of 2003 color aerial photography of all the split estate lands in the offered parcels demonstrates that all or portions of parcels 139, 141, 143, 146, and 156 through 159 already have residential and commercial development and improvements. The level of private surface development activity in the general area of these parcels suggests that additional residential developments and improvements on all the split estate can be projected to have similar development activity within the 10 year leasing period. These existing and projected developments may be incompatible with unstipulated exploration and development activities and this situation requires further analysis.

Consultation with the Paiute Tribe has identified Native American concerns for parcel 134 that have not been addressed in previous documents. Therefore this parcel may be unsuitable for leasing under the current standard lease stipulations.

Portions of parcels 077, 078, 080, 128, 130, and 134 contain occupied Utah prairie dog habitat. Potential impacts to Utah prairie dog habitat was analyzed by taking the current BLM GIS layer of mapped habitat and applying a one-half mile buffer. The one-half mile was chosen because that is the distance recommended for no surface occupancy in the FWS approved lease notice for Utah prairie dogs around active, potentially suitable, and unoccupied prairie dog habitat that has been identified and mapped. This buffer allows us to take into account the yearly flux (expansions and shrinking) of Utah prairie dog populations and occupied habitat. This analysis was done by 40 acre sub parcel size for all lands proposed for leasing in the current sale. Any 40 acre sub parcel that had  $\geq 35$  acres covered by the Utah prairie dog layer was recommended for deferral. Any 40 acre sub parcel that had  $< 35$  acres covered by the Utah prairie dog layer was recommended for leasing. This allows at least 5 acres within each 40 acre sub parcel to be available for facility siting. Based on this analysis, 94 sub-parcels (portions of parcels 077, 078, 080, 128, 103, and 134) are recommended for deferral from leasing due to the presence of Utah prairie dogs and need for further analysis of potential impacts on prairie dogs and the feasibility of oil and gas operations given the one-half mile buffer.

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

**Yes**, for all of the parcels.

Documentation of answer and explanation: The methodology and approach used in the pertinent 1976 EAR, CBGA RMP/EIS and the 1988 Supplemental EA are appropriate for the current proposed action because the methods of extraction, land requirements for exploration and development and types of potential impacts have not changed substantially since these documents were prepared.

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Do the existing NEPA documents analyze impacts related to the current proposed action at a level of specificity appropriate to the proposal (plan level, programmatic level, project level)?**

**Yes**, for all of parcels UT0805-067 through 074, 076, 079, 082, 088, 090 through 096, 098 through 118, 123, 127, 129, and 133 and portions of parcels UT0805-075, 077, 078, 080, 081, 087, 089, 097, 125, 128, 129, 130, 131 and 132.

**No**, for all of parcels UT0805-085, 086, 119 through 122, and 134 through 163 and portions of parcels UT0805-075, 077, 078, 080, 081, 087, 089, 097, 125, 128, 129, 130, 131 and 132.

Documentation of answer and explanation:

**YES:** As documented in the attached Interdisciplinary Team Analysis Checklist, for the parcels listed under **Yes**, above, there have been no changes in circumstances or conditions, including reasonably foreseeable levels of oil and gas exploration or development, that would change the impacts previously analyzed.

**NO:** The Cedar City District Oil and Gas Leasing EAR, approved May 5, 1976, the CBGA FEIS (1986), and the Supplemental EA for Oil and Gas Leasing, Cedar City District, approved December 20, 1988 did not contemplate the commercial and residential development of various split estate lands included in parcels nominated for this lease sale and BLM lands adjacent to privately held lands that are now undergoing or are expected to have concentrated residential and commercial development.

The CBGA RMP did identify specific lands that were known at the time to be occupied by the Utah prairie dog. These lands were open to leasing subject to no surface occupancy. Since the time of the RMP new data has identified additional lands occupied by the Utah Prairie dog, these being colonies either unknown at the time of the RMP or new colonies that have been established by migration or translocation. Parcels UT 0805-075, 077, 078, 080, 081, 125, 128-132 contain prairie dog habitat not addressed in previous NEPA documents. Potential impacts to new colonies were not addressed in the RMP. However, In December 2004, BLM and FWS personnel completed work on a set of lease notices for listed species that are to be attached to oil and gas leases offered in the State. On December 13, 2004, section 7 consultation was initiated with the submission of a memorandum to FWS containing the lease notices. FWS responded with a memorandum dated December 16, 2004 concurring with the BLM determination that use of the species specific lease notices on appropriate lease parcels would "may affect, but not likely to adversely affect" listed species in the State. The full and partial parcels listed above will be subject to the Washington Office BLM T&E lease stipulation as directed by WO IM No. 2002-174. Additionally, a lease notice specific to Utah prairie dog habitat has been attached to these parcels. Potential impacts to Utah prairie dog habitat was analyzed by taking the current BLM GIS layer of mapped habitat and applying a one-half mile buffer. The one-half mile was chosen because that is the distance recommended for no surface occupancy in the FWS approved lease notice for Utah prairie dogs around active, potentially suitable, and unoccupied prairie dog habitat that has been identified and mapped. This buffer allows us to take into account the yearly flux (expansions and shrinking) of Utah prairie dog populations and occupied habitat. This analysis was done by 40 acre sub parcel size for all lands proposed for leasing in the current sale. Any 40 acre sub parcel that had  $\geq 35$  acres covered by the Utah prairie dog layer was recommended for deferral. Any 40 acre sub parcel that had  $< 35$  acres covered by the Utah prairie dog layer was recommended for leasing. This allows at least 5 acres within each 40 acre sub parcel to be available for facility siting. Based on this analysis, 94 sub-parcels (portions of the 6 parcels) are recommended for deferral from leasing due to the presence of Utah prairie dogs and need for further analysis of potential impacts on prairie dogs and the feasibility of oil and gas operations given the one-half mile buffer.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

**Yes**, for all of parcels UT0805-067 through 082, 088, 090 through 096, 098 through 118, and portions of 087, 089, and 097.

**No**, for all of parcels UT0805-085, 086, 119 through 122, and 135 through 163, and portions of parcels and 087, 089, and 097.

Documentation of answer and explanation:

**YES:** As documented in the attached Interdisciplinary Team Analysis Checklist, for the parcels listed under **Yes**, above, no changes in conditions have occurred which would lead to a change in cumulative impacts. In

the Supplemental Oil and Gas Leasing EA prepared in 1988 for the Cedar City District, cumulative impacts, including reasonably foreseeable future impacts were analyzed on the basis of a reasonably foreseeable level of exploration and development, taking into account the known and inferred potential for occurrence of producible quantities of hydrocarbons. Since the potential for the occurrence of producible quantities is presently low, the analysis projected three wells per year for the next 10 years with a total surface disturbance of 310 acres. A much smaller number of wells and surface disturbance has occurred since completion of that analysis. Consequently, impacts should be within the range of those described in the Supplemental EA. None of these wells were productive and no field developments have occurred.

**NO:** The cumulative impacts which could result from leasing parcels 119 through 122 and parcels 135 through 163 has substantially changed due to the high-surface value improvements that have been made on the split estate portions of these parcels and the rapidly changed land development occurring adjacent to the Federally-owned surface. Potential cumulative impacts to Utah prairie dog habitat and colonies have also changed due to the change in location of colonies, known habitat and increasing population of this species.

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

**Yes,** for all of parcels UT0805-067 through 076, 079, 081, 082, 088, 090 through 096, 098 through 118, 123, 127, 129, 131, 133, and 134 and portions of parcels of UT0805-077, 078, 080, 087, 089, 097, 128, 130 and 132.

**No,** for all of the parcels UT0805-085, 086, 119 through 122, and 135 through 163 and portions of parcels UT0805-077, 078, 080, 087, 089, 097, 128, 130 and 132.

Documentation of answer and explanation:

**YES:** The public involvement and interagency review procedures and finding made through the CBGA RMP/EIS are believed to be adequate for most of the resources related to the proposed leasing of oil and gas. Initiation of the CBGA planning process began on April 10, 1980 with the publication of a Federal Register Notice of Intent to begin preparation of the CBGA RMP/EIS. It requested help from the public on identification of issues and planning criteria. These issues were distributed to the public through 200 mailings on April 30, 1980 with a request for comments on how the issues should be refined. A news release in local and regional newspapers was distributed on May 1, 1980, explaining the RMP process and requesting public review and comment on identification of issues by June 2, 1980. Nine individuals or organizations responded to this request and their comments were used to revise the issues and develop the planning criteria. The October 6, 1983 publication of the Federal Register (Volume 48, No. 195) carried a Notice of Intent to prepare the EIS and solicited public input into the planning process. The Draft RMP/EIS was submitted for public review on May 14, 1984. At that time, approximately 1,000 copies of the Draft were sent to individuals and organizations who indicated they would like to review the document. At the same time, news releases were sent to local newspapers to inform the public that the Draft was available for comment. In addition, a newspaper insert was placed in local papers to solicit public comment on the alternatives and issues discussed in the Draft. Open houses were held in Cedar City (June 28, 1984), Beaver (June 27, 1984), and Panguitch, Utah (June 26, 1984) to receive public input.

The proposed action was posted on the BLM Utah Environmental Notification Bulletin Board (ENBB) on October 19, 2005. No comments were received.

The Paiute Indian Tribe of Utah was contacted regarding the proposal and supplied with a copy of the map in *Appendix A-1* on October 19, 2005. A *Project Response Letter/Declaration of Interest* document was signed by the Tribe on November 18, 2005. This document states that the Paiute Indian Tribe of Utah and the appropriate Band have reviewed the project and requested that parcel UT0805-134 be deferred. It also requests that for any parcels leased, cultural resource inventories take place before lease operations are authorized.

The FO Archeologist has made a determination of "No Historic Properties Affected" for any cultural resources that may be located within the proposed lease parcels. In following with the established "protocol" negotiated

between the BLM and the Utah State Historic Preservation Office (USHPO), this determination will be transmitted to USHPO as part of a quarterly package along with other unrelated actions.

Informal consultation was initiated between the Cedar City Field Office and the USFWS on January 12, 2006. (*Appendix D*). On February 8, 2006, the Cedar City Field Office received a memorandum from the Utah Field Supervisor of the U.S. Fish and Wildlife Service concurring with the BLM's determination for the Utah Prairie Dog and Bald Eagle of "not likely to adversely affect". (*Appendix D*).

**NO:** For the parcels and parcel portions listed under No, above it will be necessary to do new analysis to assess the impacts of commercial and residential land use as well additional consultation with the U.S. Fish and Wildlife Service regarding Utah Prairie Dogs. This new analysis and consultation will require additional public and agency review and comment.

**E. Interdisciplinary Analysis:** See attached Interdisciplinary Team Analysis Record Checklist in *Appendix C*.

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## F. Mitigation Measures:

Special lease stipulations would be attached in accordance with the lease category restrictions prescribed in the CBGA RMP. Additional mitigation would result from site specific analysis at the time lease operations are proposed. These mitigation measures would be stipulated as conditions of approval consistent with section 6 of the standard lease terms.

The following Lease Notices should be applied to the parcel noted. The full text of the Lease Notice is given following the table listing.

Parcel	Lease Notices
UT0805-067	UT-LN-23, 52
UT0805-068	UT-LN-23, 52
UT0805-069	UT-LN-23, 52
UT0805-070	UT-LN-23, 52, Riparian
UT0805-071	UT-LN-23, 52, Riparian
UT0805-072	UT-LN-23, Riparian, 61
UT0805-073	UT-LN-23, 61
UT0805-074	UT-LN-23, 61
UT0805-075	UT-LN-23, 61, T&E-08
UT0805-076	UT-LN-07, 23, 61
UT0805-077	UT-LN-07, 23, 61, T&E-08
UT0805-078	UT-LN-07, 23, 61, T&E-08
UT0805-079	UT-LN-07, 23, Riparian, 61
UT0805-080	UT-LN-07, 23, 61, T&E-08
UT0805-081	UT-LN-07, 23, 52, Riparian, 61, T&E-08
UT0805-082	UT-LN-07, 23, 61
UT0805-087	UT-LN-23, 61
UT0805-088	UT-LN-23, Riparian, T&E-01
UT0805-089	UT-LN-23, 61
UT0805-090	UT-LN-23, Riparian
UT0805-091	UT-LN-23, 61
UT0805-092	UT-LN-23
UT0805-093	UT-LN-23
UT0805-094	UT-LN-23
UT0805-095	UT-LN-61
UT0805-096	UT-LN-23
UT0805-097	UT-LN-23, 61
UT0805-098	UT-LN-07, 23, 61
UT0805-099	UT-LN-07, 23, 61
UT0805-100	UT-LN-07, 23, 61
UT0805-101	UT-LN-07, 23, 61
UT0805-102	UT-LN-07, 23, 61
UT0805-103	UT-LN-07, 23, 61
UT0805-104	UT-LN-07, 23, 61
UT0805-105	UT-LN-07, 61
UT0805-106	UT-LN-07, 61
UT0805-107	UT-LN-07, 23, Riparian, 61
UT0805-108	UT-LN-07, 23, 61
UT0805-109	UT-LN-23, 61
UT0805-110	UT-LN-23, 52, 61
UT0805-111	UT-LN-23, 61
UT0805-112	UT-LN-07, 23, 61
UT0805-113	UT-LN-23, Riparian, 61
UT0805-114	UT-LN-07, 23, Riparian, 61
UT0805-115	UT-LN-07, 23
UT0805-116	UT-LN-07, 23, Riparian, 61

UT0805-117	UT-LN-07, 23, Riparian, 61
UT0805-118	UT-LN-07, 23
UT0805-123	UT-LN-23, Riparian, 61
UT0805-124	UT-LN-07, 23, Riparian, 61
UT0805-125	UT-LN-23, 61, T&E-08
UT0805-126	UT-LN-23, 61
UT0805-127	UT-LN-61
UT0805-128	UT-LN-23, 61, T&E-08
UT0805-129	UT-LN-23, 61, T&E-08
UT0805-130	UT-LN-23, 61, T&E-08
UT0805-131	UT-LN-23, 61, T&E-08
UT0805-132	UT-LN-23, 61, T&E-08
UT0805-133	UT-LN-23, 61

#### **UT-LN-07**

##### **LEASE NOTICE - RAPTOR HABITAT**

The lessee/operator is given notice that lands in this lease have been identified as containing Raptor Species and Habitat. Seasonal restrictions to the Surface Use Plan of Operations may be required in order to protect the Raptors and/or habitat in accordance with Section 6 of the lease terms, Endangered Species Act, and 43 CFR 3101.1-2.

#### **UT-LN-23**

##### **LEASE NOTICE - CRUCIAL DEER HABITAT**

The lessee/operator is given notice that lands in this lease have been identified as containing Crucial Deer Habitat. Modifications, including seasonal restrictions, may be required to the Surface Use Plan of Operations in order to protect the habitat. This limitation does not apply to operation and maintenance of producing wells.

#### **UT-LN-52**

##### **LEASE NOTICE-UTAH SENSITIVE SPECIES**

The lessee/operator is given notice that lands in this parcel have been identified as containing habitat for named species on the Utah Sensitive Species List. Modifications to the Surface Use Plan of Operations may be required in order to protect these resources from surface disturbing activities in accordance with Section 6 of the lease terms, Endangered Species Act, Migratory Bird Treaty Act and 43 CFR 3101.1-2.

#### **UT-LN-61**

##### **LEASE NOTICE: SAGE GROUSE HABITAT**

The lessee/operator is given notice that lands in this lease have been identified as containing Sage Grouse Habitat. Modifications to the Surface Use Plan may be required in order to protect sage grouse and their habitat from surface disturbing activities in accordance with State and range wide conservation recommendation.

#### **UT-LN-(new number, USO to assign)**

##### **LEASE NOTICE – RIPARIAN:**

The lessee/operator is given notice that this lease has been identified as containing riparian resources. Modifications to the Surface Use Plan of Operations, including no surface occupancy on portions of the parcel, may be required in order to protect riparian resources from surface disturbing activities.

## **T&E-01**

### **LEASE NOTICE – BALD EAGLE**

The Lessee/Operator is given notice that the lands in this parcel contains nesting/winter roost habitat for the bald eagle, a federally listed species. Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend on whether the action is temporary or permanent, and whether it occurs within or outside the bald eagle breeding or roosting season. A temporary action is completed prior to the following breeding or roosting season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one breeding or roosting season and/or causes a loss of eagle habitat or displaces eagles through disturbances, i.e. creation of a permanent structure. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of, and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage.

Current avoidance and minimization measures include the following:

1. Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All Surveys must be conducted by qualified individual(s), and be conducted according to protocol.
2. Lease activities will require monitoring throughout the duration of the project. To ensure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
3. Water production will be managed to ensure maintenance or enhancement of riparian habitat.
4. Temporary activities within 1.0 mile of nest sites will not occur during the breeding season of January 1 to August 31, unless the area has been surveyed according to protocol and determined to be unoccupied.
5. Temporary activities within 0.25 miles of winter roost areas, e.g., cottonwood galleries, will not occur during the winter roost season of November 1 to March 31, unless the area has been surveyed according to protocol and determined to be unoccupied.
6. No permanent infrastructure will be placed within 1.0 mile of nest sites.
7. No permanent infrastructure will be placed within 0.25 miles of winter roost areas.
8. Remove big game carrion to 100 feet from on lease roadways occurring within bald eagle foraging range.
9. Avoid loss or disturbance to large cottonwood gallery riparian habitats.
10. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in suitable habitat. Utilize directional drilling to avoid direct impacts to large cottonwood gallery riparian habitats. Ensure that such directional drilling does not intercept or degrade alluvial aquifers.
11. All areas of surface disturbance within riparian areas and/or adjacent uplands should be re-vegetated with native species.

Additional measures may also be employed to avoid or minimize effects to the species between the lease sale stage and lease development stage. These additional measures will be developed and implemented in consultation with the U.S. Fish and Wildlife Service to ensure continued compliance with the Endangered Species Act.

**T&E-08**  
**LEASE NOTICE – UTAH PRAIRIE DOG**

The lessee/operator is given notice that lands in this lease may contain historic and/or occupied Utah prairie dog habitat, a threatened species under the Endangered Species Act. Avoidance or use restrictions may be placed on portions of the lease. Application of appropriate measures will depend whether the action is temporary or permanent, and whether it occurs when prairie dogs are active or hibernating. A temporary action is completed prior to the following active season leaving no permanent structures and resulting in no permanent habitat loss. A permanent action continues for more than one activity/hibernation season and/or causes a loss of Utah prairie dog habitat or displaces prairie dogs through disturbances, i.e. creation of a permanent structure. The following avoidance and minimization measures have been designed to ensure activities carried out on the lease are in compliance with the Endangered Species Act. Integration of, and adherence to these measures will facilitate review and analysis of any submitted permits under the authority of this lease. Following these measures could reduce the scope of Endangered Species Act, Section 7 consultation at the permit stage.

Current avoidance and minimization measures include the following:

1. Surveys will be required prior to operations unless species occupancy and distribution information is complete and available. All Surveys must be conducted by qualified individual(s).
2. Lease activities will require monitoring throughout the duration of the project. To endure desired results are being achieved, minimization measures will be evaluated and, if necessary, Section 7 consultation reinitiated.
3. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in prairie dog habitat.
4. Surface occupancy or other surface disturbing activity will be avoided within 0.5 mile of active prairie dog colonies.
5. Permanent surface disturbance or facilities will be avoided within 0.5 mile of potentially suitable, unoccupied prairie dog habitat, identified and mapped by Utah Division of Wildlife Resources since 1976.
6. The lessee/operator should consider if fencing infrastructure on well pad, e.g., drill pads, tank batteries, and compressors, would be needed to protect equipment from burrowing activities. In addition, the operator should consider if future surface disturbing activities would be required at the site.
7. Within occupied habitat, set a 25 mph speed limit on operator-created and maintained roads.
8. Limit disturbances to and within suitable habitat by staying on designated routes.
9. Limit new access routes created by the project.

Additional measures to avoid or minimize effects to the species may be developed and implemented in consultation with the U.S. Fish and Wildlife Service between the lease sale stage and lease development stage to ensure continued compliance with the ESA.

## CULTURAL RESOURCES LEASE NOTICES

If a lease is issued, the BLM would retain authority to modify or deny lease activities pursuant to nondiscretionary statutes such as the Endangered Species Act of 1973, as amended and the National Historic Preservation Act of 1966, as amended. Pursuant to IM 2002-174 (May 21, 2002) and IM 2005-03 (October 5, 2004), the following two lease stipulations also must be attached to all of the offered parcels.

*“The lease areas may now and hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that would contribute to a need to list such species or their habitat. BLM may require modifications to approve or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. 1531 et seq. including completion of any required procedure for conference or consultation.”*

*“This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.”*

## **CONCLUSIONS**

Based on the review documented above, I conclude that:

### **Plan Conformance:**

**Conforms:** The proposal to lease the following parcels conforms to the applicable land use plans:

Parcels UT0805-067 through 082, UT0805-085 through UT0805-163

**Does not conform:** The proposal to lease the following parcels does not conform to the applicable land use plan:

None.

### **Determination of NEPA Adequacy**

**Adequate:** The existing NEPA documentation is adequate and constitutes BLM's compliance with the requirements of NEPA for the following lease parcels:

UT0805-067 through 076, 079, 081, 082, 088, 090 through 096, 098 through 118, 123, 127, 129, 131, and 133 and portions of parcels of UT0805-077, 078, 080, 087, 089, 097, 128, 130 and 132.

**Not adequate:** The existing NEPA documentation is not adequate and additional NEPA documentation is needed for the following parcels:

UT0805-085, 086, 119 through 122, and 134 through 163 and portions of parcels UT0805-077, 078, 080, 087, 089, 097, 128, 130 and 132.

/s/ Todd S. Christensen  
**Signature of the Responsible Official**

3-14-2006  
**Date**